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Barrett M. Kreiner

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Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

VU, TUAN A

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/607,895	<b>Applicant(s)</b> KREINER ET AL.	
	<b>Examiner</b> TUAN A. VU	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12,20 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-10, 12, 20, 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to the Applicant's response filed 5/07/09.

As indicated in Applicant's response, claims 1, 20, 26, 30 have been amended, and claims 21-25 canceled. Claims 1, 6-10, 12, 20, 26-30 are pending in the office action.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 6-10, 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, claim 1 recites 'user input *instruction of a second operating system* on the second computer that *instructs the second operating system to execute an instruction equivalent to receiving the user input at an input peripheral device of the second computer*' (\*). There is no single portion of the Specifications that remotely describes how, the translation of the received XML non-proprietary data (e.g. using database mapping) at the second Operating system, the translated instruction instructs the server Operating system in terms that this O.S. is instructed to execute (emphasis added) an equivalent 'user input' instruction OF this very (second ) operating system i.e. at a input peripheral device OF the second computer (emphasis added). As disclosed in the Specifications (see para 0039, pg. 14), no indication about input peripheral device of the

Art Unit: 2193

second computer is reasonably specified in any proprietary tag in the course of translation (from the received XML using translator 216) at the server computer, such that data pertinent to peripheral device OF the second computer explicitly mentioned in the KEY Down tag of the XML markup. In fact, translator 222a is disclosed as mapping tag <keyboard> key and action to a database to yield a *native instruction indicating* that “a keyboard key has been compressed” (emphasis added). Instruction indicating that a keyboard key has been compressed IS NOT same as a native or XML command directing the server 112a to actually execute a key depress applicable to its input device (i.e. input peripheral device of the second computer).

The fact that *a key is compressed* cannot be viewed as a key pertaining to a particular platform, and this is evident in light of the language recited as *receiving the user input at an input peripheral device of the second computer*, nor is there any explicit teaching regarding how a tag like KEY DOWN can be equated to a command directed at the server Operating system to execute a native code. That is, the translator operating at the second computer utilizes a matching process by which database (of XML elements) is being accessed to correspond database XML element to the instruction embedded in the tags of received XML element. (Specifications - pg. 13); that is, the *peripheral input device of the second computer* is NOT remotely mentioned in the process by which any database element is matched (by translator 216a) against that of the original user input (using peripheral device at the first computer) being embedded in the received XML. There cannot be equivalence of peripheral device input when, specifically, the *input peripheral device information* of the second computer is nowhere mentioned in the tag data received in the non-proprietary element; or even in the process of matching ‘user input’ with tags contents previously stored in the database. The matching is

Art Unit: 2193

rather disclosed in the Specifications as a deriving process by which the second computer retrieves a corresponding native instruction (see para 0039, pg. 14). One skill in the art would interpret the recited language of (\*) as in following:

a) that tag data (e.g. step 330, step 332 Fig. 3) not only enable the server to derive a executable (native to the second operating system) instruction (via mapping a DB) but also

b) include specification to clearly instruct the server to execute such native instruction (emphasis added), wherein

c) this very execution would be a equivalent command/directive acting upon the very input peripheral device pertinent to the server environment.

The Disclosure has no explicit teaching regarding a XML **tag instructing** or commanding the second operating system to execute a second OS native instruction in the sense that this **executing** (by the second operating system) invokes an instruction equivalent to **receiving** the user input **at an input peripheral device OF THE SECOND COMPUTER**'. One of ordinary skill in the art would not be able to make use of the invention based on the required elements from the claim and the lack of teachings from the disclosure. At the time the invention was made, parsing (at a receiving end) a XML tag including just <KEY> Depress into a equivalent instruction indicating that a input device at the client end *has been compressed* (see para 0039, pg. 14) **cannot be** equivalent to actually instructing the recipient server to automatically invoke a native *key depress* on a server's end *input device*, lacking specific details regarding how the server understands that said <Depress> tag is a command asking the server to precisely target *its peripheral device* whereby achieve this *key depress* via invoking the derived native instruction equivalent to the user end "depress". Notwithstanding the above lack of

Art Unit: 2193

proper support, the inventor is deemed not in possession of the above limitation recited as (\*) which is reconstructed as **a)**, **b)** and **c)** from above.

Hence, the language reciting translation and execution that instructs the second computer to execute an equivalent receiving of user input at the second computer peripheral input device is not given full patentable weight. Without the need to raise a lack of utility issue and for the sake of prosecution, the above language (\*) would be interpreted in the sense that it be subsumed (emphasis added) in the matching step phrased as ‘*translates the XML item into a user input instruction according to a database ... of the second operating system*’ to derive an instruction executable at the second operating system to correspond to the parsed input element. Claims 6-10, 12 are likewise rejected for not remedying to the lack of having proper enabling support in the Specifications.

### ***Claim Objections***

4. Claim 20 is objected to because of the following informalities: The phrase recited as ‘data script that provides instructions to the second computer to execute instructions’ (line 11) falls under the ambit of deficient support as identified in the deficiency set forth above (re claim 1) in the language such as ‘that instructs the second operating system to execute’; and would have to be corrected to more precisely match the actual Disclosure because no actual provision is found in the XML element as a form of command (e.g. the <key> Depress ) in the course of accessing a DB (mapping in para 0039 of the Specifications; e.g. action to a database to yield a *native instruction indicating* that “a keyboard key has been compressed” cannot constitute a explicit command to the server to execute any depress ) that explicitly directs the server OS to

Art Unit: 2193

execute any native instruction. The above limitation as phrased will be interpreted as set forth in the 112 Rejection. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 6-10, 12, 20, 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmenkaita et al., USPN: 2004/0176958 ( hereinafter Salmenkaita).

**As per claim 1**, Salmenkaita discloses a method for providing remote computer control of a second computer from a first computer over a network, comprising:

receiving a user input instruction by a first operating system of the first computer via a first computer input peripheral device (*voice command* – Fig. 2A, 2D; *receive voice command* 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D);

at the first computer, translating the first user input into at least one XML item; (*embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; Fig. 3A; para 0167, pg. 13; *voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14; para 0232 pg. 19); and transmitting the at least one XML item from the first computer to the second computer (para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D; *context XML file 227, XML 231, message 515* - para 0167, pg. 13)

Art Unit: 2193

translating the at least one XML item into a user input instruction of a second operating system on the second computer that instructs the second operating system to execute an instruction equivalent to receiving the user input at an input peripheral device of the second computer (refer to USC 112 Rejection – Note: server translating of XML content – see Fig. 4D - via parsing to yield corresponding instructions reads on equivalent instruction for the user instructions effectuated via first computer input devices – see *microphone 103*, *keypad 104* - Fig. 1; see below),

wherein the second operating system translates the XML item into the user input instruction according to a database that comprises XML items associated to corresponding instructions of the second operating system ( e.g. step 242, 244 - Fig. 4D - Note: server matching based on interfacing with database prestored recommendations – Fig. 6 – with regard to parsing received message 515 – para 0167, pg. 13 – reads on according to a database that comprises XML corresponding instructions of the second computer-- see boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0249, pg. 21; steps 364-366 Fig. 5A; para 0289-281, pg. 23 – Note: based on user request and providing voice recommendations as response to wireless device request for context-activity data for wireless user to implement user browser applications – see Fig. 3B - reads on instruction at second computer equivalent to receiving user input at the wireless device).

**As per claims 6-7**, Salmenkaita discloses a mouse input (touch pad as in *Touch sensor* - para 0072, pg. 6; Fig. 1); a keyboard input (see *keypad 104* - Fig. 1).

**As per claim 8**, Salmenkaita discloses wherein translating the user input instruction into the at least one XML item comprises generating a first XML tag defining the beginning of the XML item, generating a data item corresponding to the first user instruction, and generating a



Art Unit: 2193

second XML tag defining the end of the XML item (e.g. Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12; step 708, 710 – Fig 7A; TABLE B, para 0167, pg. 13).

**As per claim 9**, Salmenkaita discloses wherein transmitting the at least one XML item to the second computer comprises transmitting the data using HTTP (Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

**As per claim 10**, Salmenkaita discloses wherein translating the at least one XML item into a second input instruction comprises identifying a first XML tag defining the beginning of an XML item, identifying a data item corresponding to a user input instruction, identifying a second XML tag defining the end of an XML item (para 0232, pg. 19; *specification ... activity* – para 0156, pg. 11; para 0163-0164, pg. 12; Table B, pg. 13).

**As per claim 12**, Salmenkaita discloses computer readable medium having computer-implementable instructions stored thereon for performing the method recited in claim 1 (refer to claim 1).

**As per claim 20**, Salmenkaita discloses a system for remote computer access between computing systems comprising:

a first computing system having stored thereon software which when executed on the first computing system:

receives a user input via a first user interface of the first computing system; identifies user input instructions generated by an operating system on the first computer system in a first computer language (refer to claim 1; Fig. 1),

Art Unit: 2193

the user input instructions relating to generating a system output via a second user interface of the first computing system in response to the user input (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; browser 102 - Fig. 3A-C – Note: returned results from WAP servers to be displayed at mobile browser reads on output via a second interface of first computing system – see Fig. 41),

translates the user input instructions into a first non-proprietary data script that provides instructions (refer to Claim Objection) to the second computer to execute instructions corresponding to the user input received via a first user interface of the first computer (TABLE B, para 0167, pg. 13; Fig. 4D),

the translation being accomplished by referencing a database to match the user input instructions in the first computer language to contents of the first non-proprietary script (para 0021, pg. 2; Fig 4; para 0164-0167 pg. 12-13 – Note: referring to past stored XML recommendations – para 0211, pg. 17 - prior to providing customized context as message 515 to server reads on referring to database to match any existing XML recommendations prior to create additional non-proprietary data for new recommendations )

transmits the first non-proprietary data script to a second computing system (refer to claim 1),

and receives a second non-proprietary data script from the second computing system (file 250 – Fig. 4E, 4G; para 0181, pg. 15) reflecting a response to the user input instructions for execution on the second user interface of the first computing system (step 368 – Fig. 5A),

wherein the second non-proprietary data script is translated into a system output instruction in the first computer language (e.g. step 254, 256 - Fig. 4G; para 0213-0214, pg. 17 );

Art Unit: 2193

the system output instruction then being executed on the first computing system as a system output via the second user interface (step 256 - Fig. 4G; para 0228-0230, pg 18).

**As per claim 26**, Salmenkaita discloses method for providing remote computer access between computing systems, comprising:

receiving a first user input instruction relating to a user input received via a first user interface of the first computer by a first operating system on the first computer (*voice command* – Fig. 2A, 2D; *receive voice command* 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D);

creating data defining a first software object in a non-proprietary format corresponding to the first user input instruction relating to the user input, wherein the data defining the first software object is created by referencing a first database (refer to claim 20) comprising software objects in non-proprietary formats associated with user input instructions;

transmitting the first software object from the first computer to the second computer (refer to claim 20);

at the second computer, translating the first software object from the non-proprietary format to a second user input instruction by referencing a second database comprising software objects in non-proprietary formats associated with user input instructions compatible with the second operating system and incompatible with the first operating system (e.g. step 242, 244 - Fig. 4D - Note: server matching based on interfacing with database prestored recommendations – Fig. 6 – with regard to parsing received message 515 – para 0167, pg. 13 – reads on according to a database that comprises XML corresponding instructions of the second computer);

Art Unit: 2193

executing the second user input instruction by the second computer, wherein the second user input instruction corresponds to the first user input received via the first user interface of the first computer (refer to claim 1);

receiving data from the second operating system related to the second user input instruction being executed, the data defining a first system output instruction, the first system output instruction relating to the first user input instruction (refer to claim 1);

creating data defining a second software object in the non-proprietary format that corresponds to the second user input instruction (refer to claim 20);

transmitting the second software object from the second computer to the first computer (file 250 – Fig. 4E, 4G; para 0181, pg. 15);

at the first computer, translating the second software object to a second system output instruction being and executing the second system output instruction to render the user output by the first computer on a second user interface (refer to claim 20).

**As per claim 27**, Salmenkaita discloses wherein transmitting the data defining the first and second software objects at least one XML item comprises using the HTTP protocol to transmit the first and second software objects data defining at least one XML item (e.g. first object: XML 235, 231, Fig. 4F; second object: XML 250, Fig 4G).

**As per claim 28**, Salmenkaita discloses wherein the first user interface (e.g. input 264, Fig. 4H; microphone 103, keypad 104 touch sensor audio sensor light sensor - Fig. 3) is different from the second user interface (step 256 – Fig. 4E; browser 102, Fig. 3B).

**As per claim 29**, refer to claim 28

Art Unit: 2193

**As per claim 30**, (with reference to claim 20) Salmenkaita discloses second computing system having stored thereon software which when executed on the second computing system (server 140 – Fig. 4B):

receives the outgoing software object from the first computing device (XML 227 Fig 4D; XML 235 Fig. 4F); translates the first non-proprietary data script using a second device driver executing in conjunction with a second operating system executing on the second computer system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6) into the user input instructions identified by the first computing system

executes the user input instructions compatible with the second operating system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6; Fig 7A-B);

identifies system output instructions; the system output instructions being responsive to the user input instructions identified by the first computing system (Note: method calls performed at client machine reads on identifying of second operating system instruction related to required output in response to requirements of incoming XML received from mobile device 100 - see Fig. 4D, 4F; Fig. 6);

translates the system output instructions into a second non-proprietary data script defining an incoming software object utilizing the second device drive(e.g. step 227, 242 – Fig. 4D); transmits the incoming software object(XML 250 – Fig 4G, 4F); and

a communications network operably coupled between the first computing system and the second computing system for transmitting the first and second non-proprietary data scripts (XML 250 – Fig 4G, 4F).

***Response to Arguments***

Art Unit: 2193

7. Applicant's arguments filed 5/07/09 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

**USC 112, 1<sup>st</sup> para Rejection**

(A) Applicants have submitted that based on paragraph 0039, one ordinary skill in the art at the time of filing would be able to recognize that "enter" key compression received at the client input device and translated at the OS of the remote server is actual native instruction "... that instructs the second operating system to execute an instruction equivalent to receiving ... second computer' (Appl. Rmrks pg. 8 top para). The disclosure teaches about a mapping of instruction against tag element so that the mapped native instruction indicates that a key has been compressed. Nothing in the tag element correlates peripheral device of the server with that of the client device, nor does this tag element constitute a command directing the OS at the server to execute a key compress to its equivalent peripheral device. The process of yielding a native instruction ends with having an instruction that (i) either indicates that a key compress has been completed, or (ii) remains a native instruction; i.e. instruction to press a key un-invoked in the absence of a API that actually invokes it (a application call to a hardware/system level call). In precise terms as how the server OS actually receives instruction directing it to immediately execute the retrieved a native instruction, the paragraph 0039 remains silent because for one skill in the art, an OS needs to have a instruction that commands the OS to invoke key depress native (i.e a system level utility); that is, an OS cannot interpret a tag and execute a tag **like a browser** would normally do. Nothing in the claim enforces that *the second operating system* operates as an interpreter – such as a browser - with communicatively coupling to a keyboard and peripheral device and nothing in the XML element disclosed in para 0039 conveys a JavaScript or a HREF

Art Unit: 2193

type of instruction interpretable by a browser technology; i.e. a API to invoke a deeper system call or DLL. Paragraph 0039 only teaches a translation to derive a native instruction which amounts to 'indication' that a key has been compressed, no more teaching regarding this native instruction conveying that this instruction represents a direct command to the OS so the OS execute a key compress. In order for a key compress instruction to be invoked, one would expect a external code (caller) to actually invoke this key compress native (callee) and this is deemed missing in the mapping/translating of paragraph 0039. One cannot see the extent to which paragraph 0039 implements a API at a application level (XML parsing) that actually invokes a OS *system call* like "key depress" acting (in native form) upon a keyboard or input device coupled to the server system (refer to USC 112 Rejection). A key compress native cannot on its own have functionality of a caller code to direct a OS to call native "key compress", as system calls like *printf* statement cannot be same as the *caller* code that invokes *printf* behaving as a *callee*. Paragraph 0039 does not establish how native instruction ("key compress") can instruct the OS to call the native instruction as this has been analyzed in the USC 112 Rejection. The argument is therefore not convincing.

### **USC 102 Rejection**

(B) Applicants have submitted that Salmenkaita fails to describe instruction that instructs the operating system ... equivalent to receiving the user input at ... peripheral device of the second computer' (Appl. Rmrks middle pg. 9) as the recommendations based on voice command is not same as "instruction that instructs the operating system to execute ... " as required from claim 1. Claim interpretation is in light of proper teaching from the Disclosure; and as set forth in the USC 112 the 'instruction that instructs the second operating system' is deemed far-fetched and/or

Art Unit: 2193

uncorroborated by the Specifications. Based on the interpretation set forth in the USC 112

Rejection, Salmenkaita server's response to the parsed data as a result of receiving client XML element is deemed matching 'operating system' executing an instruction equivalent to 'receiving' input instruction received from client at a peripheral device at the server environment.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference.

(C ) Applicants have submitted that in Salmenkaita the server transmission of recommendation is not result of receipt of voice command, server action is not instruction equivalent to receiving voice command (Appl. Rmrks pg. 10 middle). This argument falls under the analysis and rebut set forth in section B above, in light of how the claim language has been given weight as set forth in the USC 112 Rejection. Further, equivalency of instruction construed from XML data received from a first platform and instruction executed at a second platform that acts on input device at the second platform (server end) is nowhere disclosed in the claim nor is this provided with proper teachings in the Disclosure. Nowhere in the <key> related XML data as disclosed (see para 0039) is there implementation details as to platform equivalence or parametric/hardware parallelism that would convey emulation ( or mirroring) of peripheral events incurred at the client computer and peripheral behaviors at input device pertinent to a server platform for one to construe that equivalence has been established by just parsing a XML tag. The argument about 'equivalent to receiving' in order to distinguish the invention from Salmenkaita is deemed non-persuasive.



Art Unit: 2193

(D) Applicants have submitted that for claims 20, 28, 30 Salmenkaita fails to describe 'providing instructions to the second computer to execute ... corresponding to the user input ... via the first computer' (Appl. Rmrks pg.10 bottom to pg. 11 middle) because recommendations returned by Salmenkaita is not responsive to voice command (Appl. Rmrks pg. 11)

The claim language regarding 'providing instructions ... to execute corresponding to the user input' is deemed containing a broad teaching termed as 'instruction ... *corresponding to* the user input' and cannot obviate the actions effectuated at Salmenkaita's server from fulfilling such language. Moreover, the 'providing instructions to the second computer to execute' has been treated in the same light as the 'instruction that instructs' set forth in the USC 112 Rejection. The argument that Salmenkaita fails to provide execution responsive to 'voice command' is referred to section C from above.

(E) Applicants have submitted that for claims 26-30, determining recommendations from op code RQ\_REC\_3 as in Salmenkaita does not describe 'execution of a second user input instruction at the server that corresponds to a first user input instruction ... received via first user interface at a first computer' (Appl. Rmrks pg. 12 middle; pg. 13 middle). The claim does not implicate 'voice command' as a limitation to be addressed whereas the 'instruction at the server **that corresponds to** a first user input' is deemed not specifically narrow to obviate the teachings provided in Salmenkaita as set forth in section D above. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference.

In all, the claims stand rejected as set forth in the Office Action. However, the Applicant would be always welcome to contact the Examiner in regard to discussing possible scenario to go about readjusting the language regarding the <key> invocation at the receiving end of the non-proprietary data; e.g. in order to reach allowable subject matter.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before

Art Unit: 2193

using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

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